



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 1663-99

10 September 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 3 April 1984 at age 21. You reported to initial active duty for training on 4 June 1984. You completed your active duty on 19 September 1984 and were assigned to a Naval Reserve unit. Your record reflects that on 4 December 1988 you received nonjudicial punishment (NJP) for use of marijuana based on a positive random urinalysis.

On 29 January 1989 an administrative discharge board (ADB) found that you had committed misconduct but recommended retention. On 24 March 1989 the commanding officer disagreed with the ADB and recommended that you be separated with a general discharge by reason of misconduct due to drug abuse. In his letter of that date, he noted that the applicable directive authorized retention in the Navy for drug abusers whose performance was otherwise outstanding. The commanding officer then noted that your performance was not outstanding and was declining. After review by the discharge authority, the recommendation for separation was approved and you were discharged with a general discharge on 7

August 1989.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contentions that you would have served honorably if retained, you were treated unfairly because you were a reservist, and the circumstances of the discharge qualifies your application for special processing review (Category W). However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your use of drugs. In this regard, the evidence you submitted is insufficient to support your contentions that you would have served honorably if retained, or that you were treated unfairly because of your status as a Naval Reservist. Further, special processing for Category W applications is no longer required by regulations now in effect which govern the operation of this Board. Consequently, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

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